

**MINUTES  
BOARD OF APPEALS  
Monday, August 21, 2017  
City Hall, Room 604  
5:30 p.m.**

***\*\*For more detailed information regarding the meeting, please refer to the audio recording on our website at <http://greenbaywi.gov/event/board-of-appeals-meeting-40/> and follow the time stamp listed on each item.***

**MEMBERS PRESENT:** Don Carlson–Chair, Noel Halvorson and Tommy Everman

**MEMBERS EXCUSED:** Thomas Hoy and Greg Babcock – Vice-Chair

**OTHERS PRESENT:** Paul Neumeyer, Ald. Guy Zima, Patrick King, Terri Matthews, John Costea, Anne Harry, Renee Zich, Phil Van Zeeland, Neil Rynders, Cindy Rynders, Jo Carpiaux, Perry Carpiaux, and Bob Mach

D. Carlson called the meeting to order and asked if anyone needed to abstain from voting. All stated no. He then asked Members if anyone had gone out to the properties. All stated no. He then asked if any Members had spoken to anyone regarding the variance requests. All stated no.

**APPROVAL OF MINUTES:**

Approval of the July 17, 2017, minutes of the Board of Appeals. (0:00:44)

A motion was made by T. Everman and seconded by N. Halvorson to approve the July 17, 2017, minutes of the Board of Appeals. Motion carried. (3-0)

**ELECTION OF OFFICERS:**

D. Carlson stated the elections of officers will be held at the next meeting as everyone is not in attendance tonight.

**OLD BUSINESS:**

**NEW BUSINESS:**

1. Patrick King, property owner, proposes to retain an existing detached accessory structure located within the front yard setback in a Low Density Residential (R1) District at 1221 South Norwood Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615(c)(1), accessory structure setback. (Ald. G. Zima, District 9) (0:01:17)

Patrick King – 1221 S. Norwood Ave: P. King presented to Board members his variance request to keep his shed in its current location, which is within the front yard setback. He stated that due to the location of the house, the shed's location was the only place it would fit on the property. He presented to Board members a letter from neighbors at 1218 S. Norwood Avenue supporting his request.

A discussion ensued between P. Neumeyer, P. King and Board members about the request. Information included the reason for the request. P. King stated a complaint was called in regarding his shed and that is the reason for the variance request.

Ald. Guy Zima stated that he does not have an issue with the variance request.

A motion was made by N. Halvorson and seconded by T. Everman to grant the variance as requested. Motion carried. (3-0)

2. Terri Perz Matthews, property owner, proposes to construct a third detached accessory structure in a Low Density Residential (R1) District at 1105 South Ridge Road. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, number of accessory structures. (Ald. C. Wery, District 8) (0:09:12)

Terri Matthews – 1105 S. Ridge Road: T. Matthews presented her variance request for a third accessory building, which is a storage shed. She presented to Board members letters of support from her neighbors. She explained to Board members that the other two accessory structures are a one-stall detached garage and a play house for her kids. The reason for the shed is for storage, as her garage is too small for any type of storage needs.

A discussion ensued between the applicant, P. Neumeyer and Board members. Information included details of the shed, setbacks and existing structures.

A discussion took place between Board members. N. Halvorson stated he didn't see a hardship for the request. D. Carlson agreed. However, did point out that the lot is narrow and if the garage was attached versus detached, a variance would not be needed.

A motion was made by T. Everman and seconded by N. Halvorson to grant the variance as requested.

3. John Costea, property owner, proposes to widen an existing driveway in a Low Density Residential (R1) District at 727 Eighth Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1705, maximum driveway width and Section 13-1709(b)(1), setback residential driveways. (Ald. G. Zima, District 9) (0:18:15)

Ald. G. Zima spoke in favor of the variance request for J. Costea to expand a driveway.

D. Carlson confirmed with J. Costea the reasons for the expansion, which included that he has additional drivers and needed room to roll garbage/recycling bins to the curb. N. Halvorson confirmed that the work is already completed and is now in violation of the City ordinance and needs the variance to be compliant. J. Costea stated that was correct and the fact that the driveway is too wide for what is allowed.

A motion was made by N. Halvorson and seconded by T. Everman to approve the variances as requested. Motion carried. (3-0)

4. Renee Zich, property owner, proposes to construct a detached garage in a Low Density Residential (R1) District at 715 Kellogg Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-609, maximum

impervious surface, Section 13-615(c)(4), rear yard use and Section 13-615, Table 6-4 side and rear yard setbacks. (Ald. R. Scannell, District 7) (0:26:26)

Renee Zich – 715 Kellogg Street: R. Zich stated that she wants to build a larger garage. She stated she is keeping the original slab and building towards her backyard and not toward the property line. Specific details were presented to Board members regarding the placement and size of the garage. The old garage has been razed.

A conversation ensued between Board members. Information included the position of the current/old slab, encroachment of the slab and the overhang of the new garage.

Anne Harry – 713 Kellogg Street: A. Harry lives next door to R. Zich. She is not against the request for the garage. Her concern was the placement of the new garage as it looked like it would be right on the property line. She would like to see the side yard setback no less than it is now.

P. Neumeyer stated another thing to consider is water run-off. Board members may want to require a gutter on the garage to help with that.

A conversation continued. Information included the size of the lot and house and side and rear yard setbacks. D. Carlson stated that since the neighbor has no issues with where the garage was sitting, the can condition the variance for the side and rear wall be placed in the same location as the old garage and add a gutter as a way to manage the water run-off and keep it off the neighboring property.

A motion was made by N. Halvorson and seconded by T. Everman to grant the variance with a gutter being added to the east elevation with the eave of the gutter not being closer than one (1) ft. from the property line. Motion carried. (3-0)

5. Phillip Van Zeeland, property owner, proposes to construct a detached accessory structure in a Low Density Residential (R1) District at 1708 Thirteenth Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, side yard setback. (Ald. G. Zima, District 9) (0:39:21)

Phillip Van Zeeland – 1708 13<sup>th</sup> Avenue: P. Van Zeeland informed Board members that he has an existing chicken coop that is within the side yard setback and is 25 ft. from the primary residence of the neighboring structure. He submitted a Letter of support from his neighbor.

Ald. G. Zima spoke in favor of the request. His only concern is that the chicken coop is on the lot line; however, the neighbor has no issue with it there as it is next to a garage. The hardship of moving it to the center of the property is that it would block any convenient access to his back yard.

T. Everman asked P. Neumeyer for clarification on the ordinance. P. Neumeyer explained the ordinance to Board members. The reason for the variance is that the chicken coop is on the property line and should be 2.5 ft. off the property line.

A conversation ensued between Board members. There were no issues with the request.

A motion was made by T. Everman and seconded by N. Halvorson to grant the variance as requested. Motion carried. (3-0)

6. Cindy Wright, property owner, proposes to construct an attached garage in a Low Density Residential (R1) District at 844 Marquette Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-613(c) size of attached accessory structure and Section 13-604, Table 6-2, side yard setback. (Ald. C. Wery, District 8) (0:43:51)

Neil and Cindy Rynders (Wright) 844 Marquette Avenue: D. Carlson confirmed with C. Rynders the plans for the attached garage with a half bath. The variance is needed as they are violating the ordinances for the side yard setback and total square footage for an attached accessory building.

N. Rynders stated they just got married and are merging two households. The garage is needed for storage.

Jo and Perry Carpiaux – 840 Marquette Avenue: J. Carpiaux stated that they have no issues with the request.

A discussion continued between Board members, P. Neumeyer and the applicants. Information included the length of the garage, square footage of an accessory building, storage of items in the backyard and garage, combining of households, size of the lot, and side yard setbacks for attached versus detached accessory structures.

A discussion then ensued between Board members. D. Carlson stated there is enough of a hardship to grant the variance. The conversation regarding hardships continued. It was suggested that a condition be placed that no additional secondary structures be added to the property.

A motion was made by N. Halvorson and seconded by T. Everman to grant the variances as requested with the condition that no additional accessory structures be added to the property. Motion carried. (3-0)

7. Robert Mach, Mach IV Engineering, on behalf of Gussell Brothers, LLC, proposes to construct a drive-thru restaurant in a Highway Commercial (C2) District at 2125 Main Street. The applicants request to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-810, Table 8-2, front yard setback and Section 13-1606(1)(6) emergency pass lane for the drive-thru. (Ald. A. Nicholson, District 3) (0:57:53)

Bob Mach – Mach IV Engineering: B. Mach stated he is here on behalf of Gussell Brothers to put in a Dunkin Donuts (DD) at this property and presented detailed plans for the property. He informed Board members that the property is a small property and is uniquely shaped and gave a brief history of the property along with the uses. Other information presented included the size of the building, parking, drive-thru, overhead power lines and active right-of-way for the Westshore Pipeline. They cannot move the building anymore east due to easements and taking 15 ft. off the front of the property will interfere with parking and a driveway. The variances they are applying for is the 15 ft. front setback and the bypass lane for a drive-thru facility.

D. Carlson asked P. Neumeyer to explain the emergency lane that is required. P. Neumeyer presented information regarding the code for the emergency lane. D. Carlson stated that this item may be non-negotiable as it is a safety issue. P. Neumeyer stated that a change to the zoning code would be needed in order for this to be allowed.

A discussion ensued between Board members, P. Neumeyer and B. Mach regarding the emergency exit lane and dimensions needed for the double wide line. Additional options were discussed for a site plan for placement of the building and acquiring of additional property from ATC. D. Carlson stated he would rather the BOA not address the emergency exit variance as it is becoming more of a safety issue. N. Halvorson agreed since it is a standard for a drive-thru.

B. Mach stated that if the front setback variance is approved, they can go back and reevaluate the emergency lane and reconfigure the site plan. He then asked if anything would be different if they decided to gut and remodel the existing building. D. Carlson stated no. N. Halvorson stated that he would be inclined to grant the front setback variance; however, does have concerns regarding the emergency exit. He suggested that they approve the setback variance and table the emergency exit variance and have a new option come back to the Board.

A motion was made by N. Halvorson and seconded by T. Everman to grant the 15 ft. front setback. The Board tabled, for 60 days, the variance for the emergency exit lane for other options. Motion carried. (3-0)

A motion was made by T. Everman and seconded by N. Halvorson to adjourn the meeting. Motion carried. (3-0)